Appl. No. 09/833,944
Amdt. Dated July 10, 2006
Reply to Office action of April 18, 2006

<div align="center">REMARKS</div>

Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 10-27 are pending in this application, with Claims 10 and 18 being the independent claims. Claims 10-14, 16-18, 23, 24, 26, and 27 have been amended herein. No new matter is believed to have been added.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 10-27 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, the Office action alleges that the "reference points" and the units of color difference are not specified.

In response, Applicants first wish to point out that it is unclear how this rejection can be applied to Claims 10-17, since color differences are not recited in any of these claims. Accordingly, it is assumed that the rejection was meant only to apply to Claims 18-27. In this regard, Applicants have amended independent Claim 18 to now more clearly indicate that the color differences recited therein are each defined by the equation (1) that is included in the specification, and that the ordinarily skilled artisan, at least upon reading the specification, would readily recognize and understand. As to the units of color difference, it is generally known in the art that the resultant of this equation (i.e., ΔE) has self-defined units. Specifically, the resultant is typically expressed as a number of "ΔE-units," where one ΔE-unit represents approximately the threshold detection level of color difference.

In view of the foregoing, Applicants submit that Claims 18-27 are definite, and respectfully request reconsideration and withdrawal of the §112, second paragraph rejection.

Rejections Under 35 U.S.C. § 102

Claims 10-18 and 23-27 were rejected under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,262,741 (Davies). This rejection is respectfully traversed.

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Claims 10-17

Independent Claim 10, which relates to a dynamic layering mode of displaying data of a plurality of data categories, now recites, *inter alia*:

"a processor that is configured to receive the data of each of the plurality of data categories and control said display to present said first visual representation of the data of said first data category superimposed over said second visual representation of the data of said second data category whereby the first visual representation masks said second visual representation in a first common region of said first visual representation and said second visual representation, said processor further configured to determine an occurrence of a predefined event and, upon determining the predefined event has occurred, to superimpose said second visual representation of the data of said second data category over said first visual representation of the data of said first data category whereby the second visual representation masks said first visual representation in said first common region, wherein the predefined event includes movement of the cursor by a user, a predefined change in the data of one or more of the plurality of displayed data categories, or both."

Davies relates to a system and method for displaying, on a display device, a topology having topological features. The topological region is divided into tessellations (or mosaics). An object-based database, which includes geometrical objects representing the topological features with each geometrical object associated with a particular tessellation, is accessed. The geometrical objects are one of a polygon object, a polyline object, and a point object representing the topological features. When a tessellation is selected to be displayed, the geometrical objects associated with the tessellations to be displayed, are fetched from the database and drawn on the display.

Applicants submit that Davies fails to disclose, or even remotely suggest, at least a processor that is configured to determine an occurrence of a predefined event and, upon determining the predefined event has occurred, to superimpose said second visual representation of the data of said second data category over said first visual representation of the data of said first data category whereby the second visual representation masks said

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first visual representation in said first common region. Nor does <u>Davies</u> disclose or even remotely suggest that the predefined event includes movement of the cursor by a user, a predefined change in the data of one or more of the plurality of displayed data categories, or both.

Hence, it is respectfully submitted that independent Claim 10 and the claims that depend therefrom (i.e., Claims 11-17) are not anticipated by <u>Davies</u>. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 10-17 under 35 U.S.C. § 102.

Claims 18-27

Independent Claim 18, which relates to a color prioritization mode of displaying a plurality of data categories, has been cosmetically amended to even more clearly define the inventive features. Specifically, Claim 18 recites, *inter alia*: wherein: said first color corresponds to a first priority, said second color corresponds to a second priority, a first color difference between said first color and a background color of said display is greater than about seventy-five, a second color difference between said second color and said background color is less than about seventy-five, and the first and second color difference are each defined by the following equation: $\Delta E\ (Y,u',v') = [(155\ \Delta Y/Y_{max})^2 + (367\ \Delta u')^2 + (167\ \Delta v')^2]^{1/2}$.

Although the Office action alleges that the color differences between a background and a first color and a second color are disclosed in <u>Davies</u>, Applicants have once again thoroughly reviewed <u>Davies</u> and cannot find these features disclosed or even remotely suggested therein. Moreover, nowhere does Davies disclose, or even hint, that a color difference is defined by the above-recited equation.

Hence, it is respectfully submitted that independent Claim 18 and the claims that depend therefrom (i.e., Claims 19-27) are not anticipated by <u>Davies</u>.

Accordingly, the Examiner is respectfully requested to withdraw the rejections of claims 18-27 under 35 U.S.C. § 102.

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Conclusion

     Based on the above, independent Claims 10 and 18 are patentable over the citations of record. The dependent claims are also believed to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

     The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

     Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

     If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

     If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

INGRASSIA/FISHER & LORENZ

Dated: 7/10/05

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